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In re Application of:	:	
WIEDERMANN, Ursula, et al.	:	DECISION ON RENEWED
U.S. Application No.: 10/562,064	:	PETITION UNDER
PCT No.: PCT/EP2004/006519	:	37 CFR 1.47(a)
International Filing Date: 17 June 2004	:	
Priority Date: 23 June 2003	:	
Atty's Docket No.: 37488.00900US	:	
For: PASSIVE IMMUNE THERAPY	:	
AGAINST MALIGNANT	:	
MELANOMA	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 17 March 2008. No additional petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the Decision mailed 27 November 2007. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an adequate showing that the non-signing inventor refuses to execute the application or cannot be reached after diligent effort.

On 17 March 2008, applicants filed the renewed petition considered herein (with required two-month extension fee).

DISCUSSION

The previous decision indicated that applicants had not provided adequate support for the assertion that the inventor has refused to execute the present application. Specifically, the decision stated that applicants had failed to "provide evidence that a copy of the complete application (specification, claims, and drawings) and a request for signature has been forwarded to the last known address of the inventor." The decision also required applicants to provide available documentary evidence to confirm such a mailing, as well as a "firsthand statement clarifying the contents of the email correspondence."

The renewed petition does not include the materials required by the previous decision. Applicant has not provided a showing that a copy of the complete application, with a request for signature, has been mailed to the last known address of the non-signing inventor, as required. Applicants have provided a revised statement from Robert Schaecter in which Mr. Schaecter states that he sent a copy of the application to the inventor by email in February 2007, but there is no documentary evidence provided to support this assertion (i.e., a copy of the February 2007 email indicating that attached copy of the application), nor has any evidence been provided to confirm the receipt of the complete application by the non-signing inventor.

Based on the above, applicants have not satisfied the final requirement of a grantable petition.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the previous decision. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application.
Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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